

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Lester Tellis,

Petitioner

V.

James Dzurenda, et al.,

Respondents

Case No.: 2:19-cv-01242-JAD-GWF

Order Denying IFP Application and Dismissing Improperly Commenced Case

[ECF No. 1]

Lester Tellis petitions for habeas relief from his 1987 Nevada state-court convictions for kidnapping, robbery, attempted murder, and illegal discharge of a firearm. Although Tellis filed a motion to proceed in forma pauperis along with his petition, he did not properly commence this case because that pauper application does not include all required attachments. Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2, a petitioner must attach both an inmate-account statement for the past six months and a properly executed financial certificate. Tellis has not complied with either requirement, making his application incomplete. Because Tellis's application for leave to proceed in forma pauperis is incomplete, I deny it and dismiss this action without prejudice to Tellis's ability to file a **new** petition in a **new** action with a fully complete pauper application on the proper form with all required attachments.

IT THEREFORE IS ORDERED that the application to proceed in forma pauperis [ECF No. 1] is **DENIED** and that this action is **DISMISSED** without prejudice to Tellis's ability to file a new petition in a new action with a properly completed pauper application.

1 IT FURTHER IS ORDERED that a certificate of appealability is DENIED, as jurists of
2 reason would not find the court's dismissal of this improperly commenced action without
3 prejudice to be debatable or incorrect.

4 IT FURTHER IS ORDERED that **the Clerk is directed to SEND** petitioner two copies
5 each of an application form to proceed in forma pauperis for incarcerated persons and a
6 noncapital Section 2254 habeas petition form, one copy of the instructions for each form, and a
7 copy of the papers that he submitted in this action.

8 IT FURTHER IS ORDERED that the Clerk is directed to ENTER JUDGMENT
9 accordingly and close this case.

10 Dated: July 23, 2019

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12 U.S. District Judge Jennifer A. Dorsey
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